



US Army Corps
of Engineers®
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: June 23, 2009

Comment Period Ends: JULY 23, 2009

File Number: NAE-2008-02781

In Reply Refer To: Richard Kristoff

Or by e-mail: Richard.C.Kristoff@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT

United States Department of Agriculture
920 Main Campus Drive, Suite 200
Raleigh, North Carolina 27606

ACTIVITY

Due to the introduction of the Asian Longhorn Beetle (*Anoplophora glabripennis*) the Massachusetts Department of Conservation and Recreation in partnership with the United States Department of Agriculture are applying for a permit for the placement of temporary fill for access in wetlands and across streams. The need for the swamp mats is to assist in the eradication of the Asian Longhorn Beetle program. Swamp mats will be needed to conduct work, tree cutting, in wetlands and to help reduce impacts to streams where crossings are necessary.

A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in various wetlands and stream within Worcester County, Massachusetts. The proposed location on the USGS Worcester, MA quadrangle sheet is at Longitude -71.76644 and Latitude 42.33872.

AUTHORITY

Permits are required pursuant to:

☐ Section 10 of the Rivers and Harbors Act of 1899

☒ Section 404 of the Clean Water Act

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land

use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management

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Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- () Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Richard Kristoff at (978) 318-8171, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen Kirk Adams
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

Due to the introduction of the Asian Longhorn Beetle (*Anoplophora glabripennis*) the Massachusetts Department of Conservation and Recreation in partnership with the United States Department of Agriculture are applying for a permit for the placement of temporary access fill in wetlands and across streams. The need for the swamp mats is to assist in the eradication of the Asian Longhorn Beetle program. Swamp mats will be needed to conduct work, tree removal, in wetlands and to help reduce impacts to streams where crossings are necessary.

When available, existing access roads and upland routes will be used by the Program in an effort to avoid wetland impacts. Where access is required though a wetland work will be done during frozen soil conditions to reduce soil disturbance and preserve the integrity of the wetland ground cover plants if possible. Wetland crossing locations will be identified to minimize the area of wetland disturbances or at the narrow point in the channel. Stream crossings will be oriented at right angles to the stream. Swamp mat bridges will be constructed in a manner that does not restrict stream flow during installation, use, and removal of the bridge. The swamp mats will be positioned with a pair forming a foundation oriented parallel to the channel on either side of the stream. A second set will be placed on top of the first set to span the waterway perpendicular to the channel.

Tree removal in wetlands will be conducted from the swamp mats or in the surrounding upland areas. The trees removed will be chipped directly into trucks that will transport the chips to be burned. Trees to be removed include all possible host trees, infested with the Asian Longhorn Beetles or not, such as maple, boxelder, elm, ash, mimosa, hackberry, and mountain ash. During tree removal the Program activities will conform to applicable best management practices depending on existing work site conditions. Such best management practices include placement of silt fences and/or hay bales for erosion control and avoiding and minimizing impacts to wetlands as the most practicable extent.

Swamp mats shall be removed and the site restored to pre-existing conditions after the completion of Program activities near wetlands. If needed, disturbed areas within wetlands will be re-graded, seeded, and mulched. In most instances, natural vegetation growth is an appropriate means to re-establish the wetland plant community. Inspections will be conducted to determine that work areas have been restored to pre-existing conditions and that no permanent environmental impacts have occurred as a result of the completed project. Work areas will be inspected in the spring of each year to access if restoration of wetland resources is needed by a professional who will provide written recommendations to the Conservation Commission and DEP. If new soil is needed for restoration then that soil will be seeded with a native wetland seed mix and then covered with straw mulch. Wetland restoration efforts will be determined successful if the area has at least 75% wetland vegetation cover within two growing seasons. The USACE Wetland Delineation Manual technical guideline for wetlands requires that a positive wetland indicator be present for each parameter (vegetation, soils, and hydrology) and the restoration monitoring will adhere to these guidelines.

The work is described on the enclosed plan entitled "Level One Area Wetlands Classifications, Worcester, Ma.," on 1 sheet, dated "10.22.08" with a revision date "02.18.09." Plans entitled "Swamp Mat Management Procedures for Wetlands in the Commonwealth of Massachusetts Asian Long Horned Beetle Eradication Program," on 2 sheets, and dated "3/9/09" shows the work to be authorized

MITIGATION – The mitigation being proposed is to restore the impact areas within the Corps jurisdiction to the pre-existing condition and to practicing avoidance and minimization. For instance, the applicant is proposing to conduct wetland work during frozen ground conditions when possible to reduce impacts to the soils and vegetation. Also, swamp mats are being used for wetland and stream crossings to reduce impacts from construction equipment. Wetland work and stream crossings will be avoided when possible by utilizing upland areas and previously established roads. Areas of disturbance will be restored to their pre-existing conditions and monitored to ensure recovery.

Level One Area Wetlands Classifications, Worcester, Ma.

Legend

1:48,000

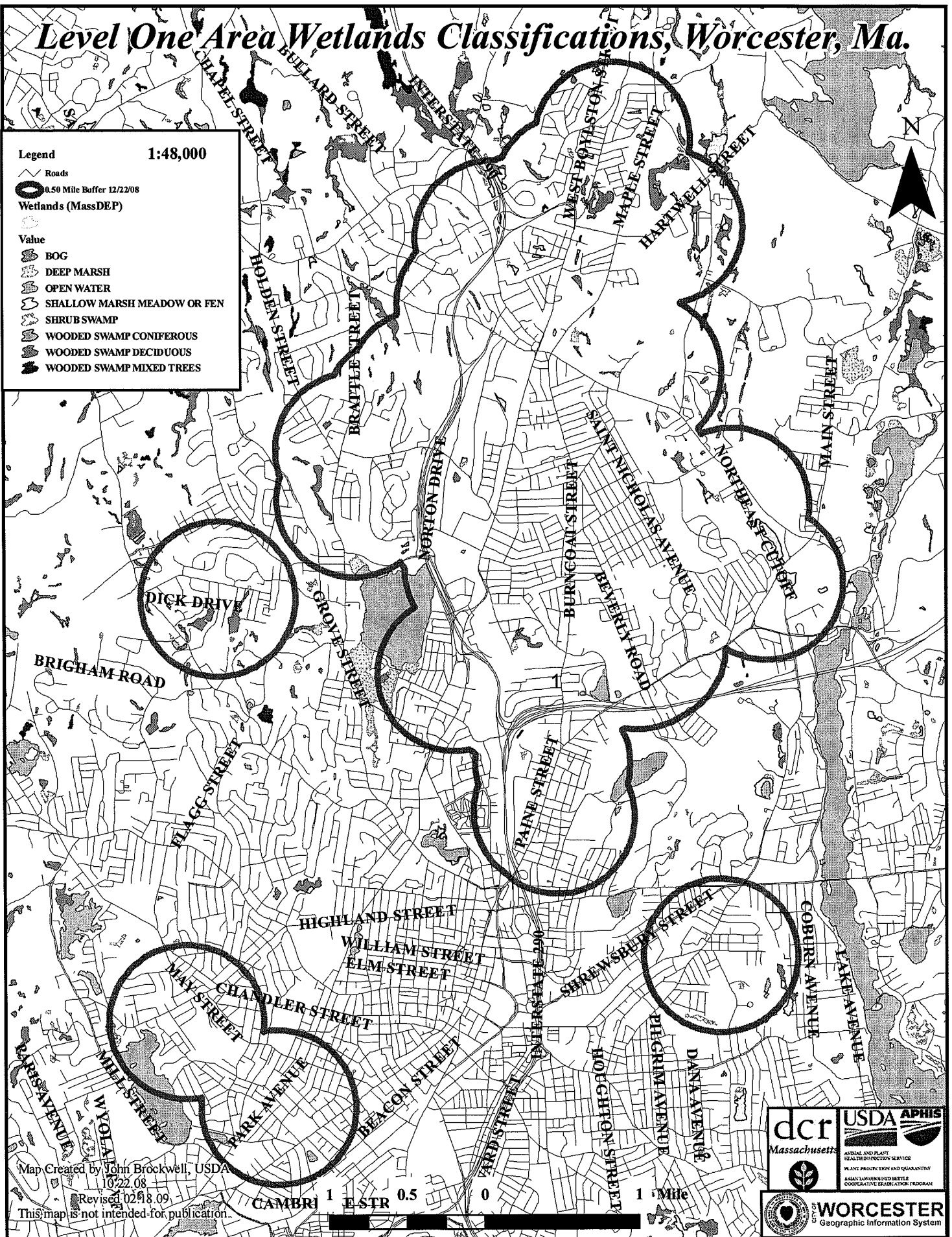
Roads

0.50 Mile Buffer 12/2/08

Wetlands (MassDEP)

Value

- BOG
- DEEP MARSH
- OPEN WATER
- SHALLOW MARSH MEADOW OR FEN
- SHRUB SWAMP
- WOODED SWAMP CONIFEROUS
- WOODED SWAMP DECIDUOUS
- WOODED SWAMP MIXED TREES



Map Created by John Brockwell, USDA

10/22/08

Revised 02/18/09

This map is not intended for publication.

CAMBRIDGE

1

ESTR

0.5

0

1 Mile

dcrc
Massachusetts

USDA APHIS
ANIMAL AND PLANT
HEALTH INSPECTION SERVICE



PLANT PROTECTION AND QUARANTINE
ANIMAL SANITATION SERVICE
COORDINATIVE EDUCATION PROGRAM



WORCESTER
Geographic Information System

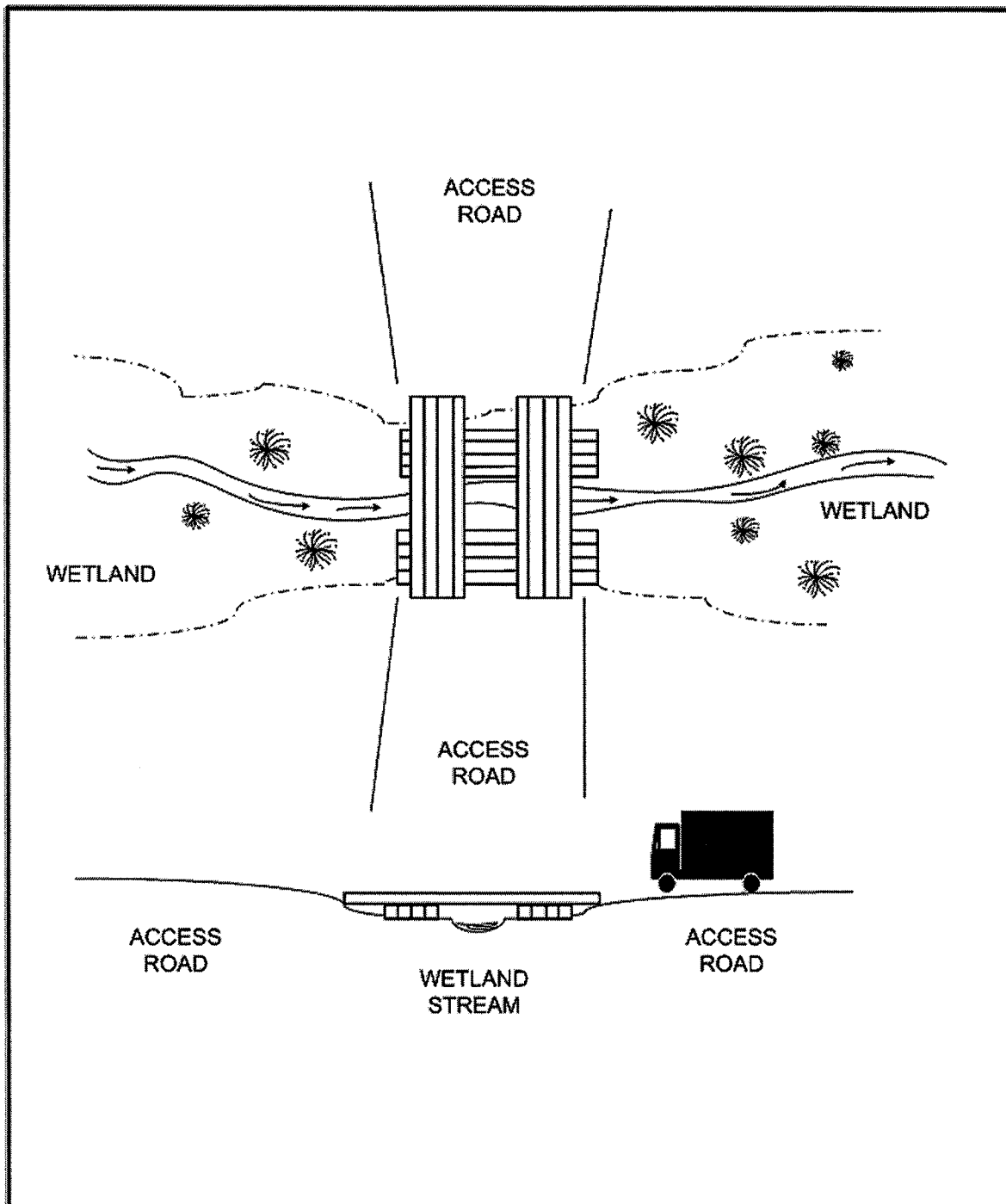

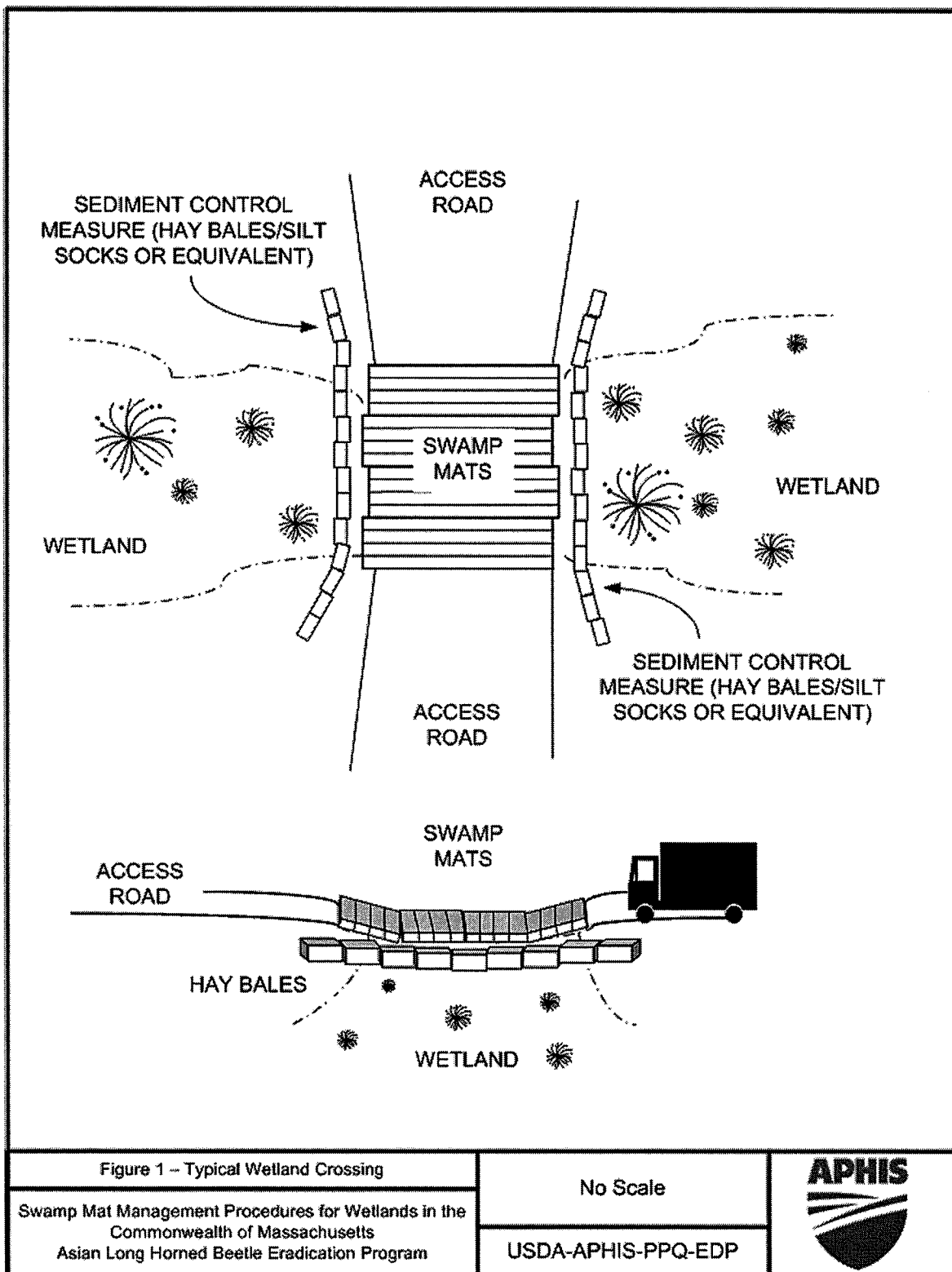


Figure 2 – Typical Stream Crossing	No Scale	
Swamp Mat Management Procedures for Wetlands in the Commonwealth of Massachusetts Asian Long Horned Beetle Eradication Program	USDA-APHIS-PPQ-EDP	

3/9/09



3/9/09